IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 26337 of 2007(I)

PETITIONER:

M.T. THOMAS, AGED 45 YEARS,
S/O. THARU, MUTTIKKAL HOUSE, EDAKKALATHUR (PO.),
THRISSUR.

BY ADV. SRI.P.S.DIVAKARAN
SRI.M.ANIL KUMAR
SMT.PREETHI K.PURUSHOTHAMAN
SMT.C.SUCHITHRA
SMT.C.B.ANUROOPA

RESPONDENTS:
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1. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, ARBITRATION-CUM-SPECIAL SALE OFFICER, THRISSUR DISTRICT CO-OPERATIVE BANK LTD., KURUPPAM ROAD, THRISSUR-680001.

2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

3. THE THRISSUR DISTRICT CO-OPERATIVE BANK LTD., THRISSUR, REPRESENTED BY ITS SECRETARY.

R1 & R2 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R3 BY ADVOCATES M/S. V.G. ARUN & T.R. HARIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 26337 OF 2007 I

Dated this the 5th September, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery proceedings were taken resulting in Sale Notice as Ext.P2. I heard the learned counsel appearing on behalf of the petitioner and also the learned counsel appearing for the respondent Bank. Counsel for petitioner submits that the petitioner has effected some payments and that he may be permitted to repay the amount due in instalments. In such circumstances, the Writ Petition is disposed of as follows:

The petitioner is permitted to pay off the amount remaining to be paid in seven equal monthly instalments. The respondent Bank will serve a Statement on the petitioner showing the exact amount remaining to be paid and also the amount of instalments to be paid by the petitioner in the light of this Judgment, within two weeks from today. Petitioner shall pay the first instalment on or before 3.10.2007 and the remaining instalments on or

before the third of every succeeding month. If any of the instalments is not paid, petitioner will lose the benefit of this Judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.